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7 MARGO PERRYMAN,
8 Plaintiff,
9 v.
10 LITTON LOAN SERVICING, LP, et al.,
11 Defendants.

Case No. [14-cv-02261-JST](#) (KAW)

**ORDER REGARDING 7/20/15 JOINT
DISCOVERY LETTER**

Re: Dkt. No. 201

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13 On July 20, 2015, Plaintiff Margo Perryman and Defendant American Modern Home
14 Insurance Company filed a joint letter in which American Modern seeks to compel further
15 responses to Interrogatory Nos. 10-16. (7/20/15 Joint Letter, “Joint Letter,” Dkt. No. 201 at 1.)
16 Specifically, the interrogatories ask Plaintiff to state the factual bases for specific allegations made
17 in the First Amended Complaint. *Id.*

18 Upon review of the joint letter, and for the reasons set forth below, the Court orders
19 Plaintiff to serve supplemental responses within 14 days of this order.

20 **I. BACKGROUND**

21 Plaintiff Margo Perryman owns a home in Edgewood, California. (First Am. Compl.,
22 “FAC,” Dkt. No. 108 ¶ 41.) The deed of trust required Plaintiff to insure the property against fire,
23 floods, and/or other hazards. (FAC ¶ 42.) If a borrower fails to maintain the required coverage,
24 the deed of trust permits the lender to obtain the required insurance coverage at the borrower’s
25 expense. (FAC ¶ 42; FAC, Ex. A.) In 2011, FEMA re-drew the flood maps in the area that
26 included Plaintiff’s property, and determined that she was now in a flood zone and was required to
27 purchase flood insurance. (Joint Letter at 4.)

28 As of February 22, 2011, Litton Loan Servicing, LP (“Litton”) serviced Plaintiff’s loan and

1 maintained an escrow account, and sent Plaintiff a notice that her home was located in a flood
2 zone and she was required to provide proof of flood insurance within 30 days. (FAC ¶ 43.) When
3 borrowers do not obtain insurance coverage in the amounts Litton requires, it purchased insurance
4 for the borrowers and charge the borrower for the lender-placed insurance (“LPI”). Thereafter,
5 Litton purchased a flood insurance policy at Plaintiff’s expense. (FAC ¶¶ 44-45.) American
6 Modern Home Insurance Company (“American Modern”) sold insurance policies to Litton that
7 were placed on borrower’s properties.

8 In May 2014, Plaintiff’s filed this lawsuit alleging that Defendants Litton, American
9 Modern Home Insurance Company, and others engaged in wrongful and collusive practices that
10 drove-up the price of lender-placed insurance (“LPI”).

11 On June 12, 2015, Plaintiff and American Modern filed a joint letter regarding Plaintiff’s
12 responses to Interrogatory Nos. 10-16. (Dkt. No. 191.) Subsequently, all discovery disputes in this
13 matter were referred to the undersigned for disposition. (Dkt. No. 196.) Since the letter did not
14 comply with the Court’s standing order, the parties were ordered to further meet and confer and
15 file a revised joint letter in the format specified to facilitate the Court’s resolution of the remaining
16 disputes.

17 On July 20, 2015, the parties filed the instant joint letter. (Dkt. No. 201.)

18 II. DISCUSSION

19 American Modern seeks to compel further responses to Interrogatory Nos. 10-16.
20 Generally, these interrogatories ask Plaintiff to state the factual bases for the allegations made in
21 the First Amended Complaint at the time the pleading was filed. (Joint Letter at 1.) In her
22 responses, Plaintiff raised the same boilerplate objections and provided the same response subject
23 to those objections.

24 A. Interrogatory No. 10

25 Interrogatory No. 10 asks Plaintiff to

26 [i]dentify all facts that support, that refer to, that relate to, that
27 pertain to, or upon which you base your allegation in paragraph 19
28 of the First Amended Complaint that “the Defendants made
numerous material omissions, misleading ‘half-truths,’ and
misrepresentations to Plaintiff and members of the Classes with the

1 intent to defraud and deceive Plaintiff and members of the Classes
2 into paying and/or not contesting the force-placed charges.

2 (Joint Letter at 1.)

3 In response, and subject to objection, Plaintiff does not include any facts pertaining to
4 American Modern's actions in this case, and instead vaguely references a 2013 consent order in
5 New York state. (Pl.'s Interrog. Resp., Joint Letter, Ex. B at 7-8.) Further, Plaintiff contends that
6 any further response to this interrogatory "should be deferred until merits discovery is complete,
7 or at least well underway." (Joint Letter at 3.) The Court disagrees.

8 At the very least, American Modern is entitled know which factual allegations form the
9 bases of Plaintiff's claims. If Plaintiff did not have any facts pertaining to Paragraph 19 of the
10 first amended complaint at time it was filed, she must say so. The fact that discovery is ongoing,
11 and Plaintiff may not have all of the facts necessary to make her case, does not excuse her
12 obligation to respond fully subject to any applicable privilege or objection.

13 Accordingly, Plaintiff is ordered to supplement her response to Interrogatory No. 10 within
14 days of this order.

15 **B. Interrogatory No. 11**

16 Interrogatory No. 11 asks Plaintiff to "[i]dentify all facts that support, that refer to, that
17 relate to, that pertain to, or upon which you base your allegation in paragraph 54 of the First
18 Amended Complaint that the pricing of lender-placed insurance 'is the result of collusion between
19 the Defendants.'" (Joint Letter at 5.)

20 Plaintiff's response to Interrogatory No. 11 is identical to her response to Interrogatory No.
21 10. (Pl.'s Interrog. Resp. at 8-9.) Similarly, Plaintiff's position that this interrogatory is premature,
22 and that she should not be compelled to provide further responses because she believes that
23 American Modern has failed to satisfy its discovery obligations, are similarly unavailing.¹ (See
24 Joint Letter at 5.) American Modern is entitled know which factual allegations form the bases of
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¹ Plaintiff refers to other discovery disputes that were before the undersigned in which she was
27 attempting to compel further discovery responses. Neither of those disputes, including the dispute
28 with American Modern, were resolved in her favor. (See Dkt. Nos. 206 & 207.) Indeed, the Court
found that American Modern fulfilled its discovery obligations pertaining to its responses to
Plaintiff's requests for production of documents. (Dkt. No. 207 at 1.)

1 Plaintiff's claims, and she must respond fully. Claims that American Modern has not fulfilled its
2 discovery obligations or that the interrogatory is "premature" are not valid objections. Further,
3 under Rule 26, the parties have an ongoing obligation to supplement their discovery responses
4 when they learn new information. *See Fed. R. Civ. P. 26.* Thus, Plaintiff need only respond with
5 information that she currently has. Indeed, these interrogatories only seek to obtain the facts upon
6 which Plaintiff bases her allegations in paragraph 54, so it is unlikely that she would need to
7 supplement her response.

8 Accordingly, Plaintiff is ordered to supplement her response to Interrogatory No. 11 within
9 14 days of this order.

10 **C. Interrogatory No. 12**

11 Interrogatory No. 12 asks Plaintiff to "[i]dentify all facts that support, that refer to, that
12 relate to, that pertain to, or upon which you base your allegation in paragraph 56 of the First
13 Amended Complaint that American Modern paid 'a kickback to Litton and Ocwen . . .'" (Joint
14 Letter at 5.)

15 Again, Plaintiff's response to Interrogatory No. 12 is identical to her response to
16 Interrogatory No. 10. (Pl.'s Interrog. Resp. at 9-10.) In the joint letter, Plaintiff repeats her
17 contention that this interrogatory is premature. (*See* Joint Letter at 6.) Again, American Modern is
18 entitled know which factual allegations form the bases of Plaintiff's claims, and she must respond
19 fully.

20 Accordingly, Plaintiff is ordered to supplement her response to Interrogatory No. 12 within
21 14 days of this order.

22 **D. Interrogatory No. 13**

23 Interrogatory No. 13 asks Plaintiff to

24 [i]dentify all facts that support, that refer to, that relate to, that
25 pertain to, or upon which you base your allegation in paragraph 57
26 of the First Amended Complaint that "Litton, Ocwen, and their
27 affiliates also receive other unearned direct payments or unearned
28 commissions that are, in reality, kickbacks from force-placed
insurers . . ."

(Joint Letter at 6.)

1 Plaintiff's response to Interrogatory No. 13 is, again, identical to her response to
2 Interrogatory No. 10. (Pl.'s Interrog. Resp. at 10-11.) In the joint letter, Plaintiff repeats her
3 contention that this interrogatory is premature. (*See* Joint Letter at 6.) As was the case with the
4 interrogatories above, American Modern is entitled know which factual allegations form the bases
5 of Plaintiff's claims, and she must respond fully.

6 Accordingly, Plaintiff is ordered to supplement her response to Interrogatory No. 13 within
7 14 days of this order.

8 **E. Interrogatory No. 14**

9 Interrogatory No. 14 asks Plaintiff to

10 [i]dentify all facts that support, that refer to, that relate to, that
11 pertain to, or upon which you base your allegation in paragraph 61
12 of the First Amended Complaint that "Litton and Ocwen pay
13 Southwest, ASIC, and American Modern a below-cost fee for
14 performing monitoring, notification, and purchasing] services.
15 Southwest, ASIC, and American Modern in turn, recoup their losses
16 on services provided to Litton and Ocwen along with additional
17 profits by charging higher premiums for force-placed insurance."

18 (Joint Letter at 7.)

19 Plaintiff's response to Interrogatory No. 14 is identical to her response to Interrogatory No.
20 10. (Pl.'s Interrog. Resp. at 11-12.) In the joint letter, Plaintiff repeats her contention that this
21 interrogatory is premature. (*See* Joint Letter at 7.) Again, American Modern is entitled know
22 which factual allegations form the bases of Plaintiff's claims, and she must respond fully.

23 Accordingly, Plaintiff is ordered to supplement her response to Interrogatory No. 14 within
24 14 days of this order.

25 **F. Interrogatory No. 15**

26 Interrogatory No. 15 asks Plaintiff to

27 [i]dentify all facts that support, that refer to, that relate to, that
28 pertain to, or upon which you base your allegation in paragraph 93
of the First Amended Complaint that "Litton and American Modern
were employed by and associated with an illegal enterprise, and
conducted and participated in that enterprise's affairs, through a
pattern of racketeering activity consisting of numerous and repeated
uses of the interstate mails and wire communications to execute a
scheme to defraud"

1 (Joint Letter at 7.)

2 Plaintiff's response to Interrogatory No. 15 is identical to her response to Interrogatory No.
3 10. (Pl.'s Interrog. Resp. at 12-13.) In the joint letter, Plaintiff repeats her contention that this
4 interrogatory is premature. (See Joint Letter at 7.) As was the case with the interrogatories above,
5 American Modern is entitled know which factual allegations form the bases of Plaintiff's claims,
6 and she must respond fully.

7 Accordingly, Plaintiff is ordered to supplement her response to Interrogatory No. 15 within
8 14 days of this order.

9 **G. Interrogatory No. 16**

10 Interrogatory No. 16 asks Plaintiff to

11 [i]dentify all facts that support, that refer to, that relate to, that
12 pertain to, or upon which you base your allegation in paragraph 155
13 of the First Amended Complaint that "Defendants systematically
14 engaged in these unlawful, unfair, and fraudulent business practices
to the detriment of Plaintiff and other members of the California
Subclass."

15 (Joint Letter at 8.)

16 Plaintiff's response to Interrogatory No. 16 is identical to her response to Interrogatory No.
17 10. (Pl.'s Interrog. Resp. at 13-14.) In the joint letter, Plaintiff repeats her contention that this
18 interrogatory is premature. (See Joint Letter at 8.) Again, American Modern is entitled know
19 which factual allegations form the bases of Plaintiff's claims, and she must respond fully.

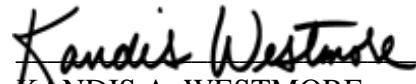
20 Accordingly, Plaintiff is ordered to supplement her response to Interrogatory No. 16 within
21 14 days of this order.

22 **III. CONCLUSION**

23 In light of the foregoing, American Modern's request to compel further responses is
24 GRANTED. Plaintiff shall provide full and complete responses to Interrogatory Nos. 10-16,
25 notwithstanding any valid objections, within 14 days of this order.

26 **IT IS SO ORDERED.**

27 Dated: August 26, 2015


KANDIS A. WESTMORE
United States Magistrate Judge